

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Michael Carrabes,
Plaintiff,
v.
Expeditors International of
Washington, Inc.,
Defendant.

No. 1:24-CV-12142

FOURTH AFFIDAVIT OF ADAM CLERMONT

I, Adam Clermont depose and say:

1. I am an attorney licensed to practice law in the Commonwealth of Massachusetts and am counsel for Plaintiff Michael Carrabes ("Plaintiff") in the above-captioned matter. I make this affidavit based on my personal knowledge and in support of Plaintiff's motion to modify the scheduling order.

2. On March 5, 2025, the Court issued a Scheduling Order (Doc No. 52) setting May 12, 2025, as the deadline for written discovery and September 2, 2025, as the deadline for fact discovery. The Court also established deadlines of October 6, 2025, for Plaintiff's expert

witness disclosures and November 6, 2025, for Defendant's expert witness disclosures.

3. On March 5, 2025, Plaintiff served its First Set of Interrogatories and First Set of Requests for Production of Documents on Defendant Expeditors International of Washington, Inc. ("Defendant"). On April 2, 2025, Defendant requested an extension to respond to the Plaintiff's discovery requests, which was granted. On April 11, 2025, Defendant responded with numerous objections and limited substantive information for many of Plaintiff's requests. A copy of the Defendants response to the Plaintiff First Set of Interrogatories and First Set of Requests for Production of Documents are attached as Exhibits 1 and 2.
4. Defendant's discovery responses are characterized by pervasive and systemic deficiencies, which have made it impossible for Plaintiff to obtain meaningful discovery within the current timeframe. A cursory examination of Defendant's discovery responses reveals how barebones, unresponsive, and improper their objections are.
5. Defendant has produced virtually no meaningful documents or information related to the central allegations in Plaintiff's complaint, which center on

allegations of a covert workforce reduction program evidenced by CEO Jeffrey Musser's January 24, 2023 email and his statements in a May 2, 2023 earnings release. A photograph of Mr Musser's January 24, 2023 email is attached as Exhibit 3 and a copy of the May 2, 2023 earnings statement is attached hereto as Exhibit 4.

6. Defendant has engaged in a calculated pattern of denial and obfuscation. In his January 24, 2023 email, Musser explicitly directed managers to reduce workforce, stating the company was "overstaffed by 2,000 employees" (approximately a 10% reduction) and warned it "could be as high as 20%," emphasizing that attrition would not be sufficient to address the issue. This directive was later publicly confirmed in the May 2, 2023 earnings release where Musser stated, "We are adapting and working diligently to bring expenses in line with lower revenue by lowering headcount and payroll expenses without resorting to layoffs."
7. The 2022 and 2023 Annual Reports conclusively confirm this reduction occurred. The 2022 Annual Report states: "At December 31, 2022, Expeditors employed approximately 20,000 people, of which approximately 13,000 were employed in international locations." By comparison, the 2023 Annual Report states: "At December

31, 2023, Expeditors employed approximately 18,000 people, of which approximately 12,000 were employed in international locations." Attached as Exhibit 5 are copies of the relevant excerpts from the 2022 and 2023 Annual Reports.

8. The detailed employee count tables in both reports further confirm this reduction, showing a decrease from 19,900 total employees in 2022 to 18,100 in 2023—precisely the 2,000-employee (10%) reduction Musser directed in his January 24, 2023 email. Yet astonishingly, Defendant has failed to produce even the January 24, 2023 email itself in discovery and brazenly stated in its answer to Interrogatory No. 16 that Expeditors "did not implement[] work force reductions between January 1, 2022 and the present."
9. Defendant's responses to Plaintiff's discovery requests are plagued by improper boilerplate and general objections, cut-and-paste objections unrelated to specific requests, vagueness objections to common terms, unsupported privilege claims without required logs, and contradictory positions across responses. Some of these issues are detailed in the accompanying memorandum.

10. On those rare occasions when Defendant responded to an interrogatory, the responses were vague and incomplete, offering conclusory statements without the substantive information requested. For example, in response to Interrogatory No. 6 regarding the reasons for Plaintiff's termination, Defendant provided only general assertions about performance issues without the specific details requested.
11. Defendant has also refused to provide information about other terminated employees despite their relevance to Plaintiff's claims (Interrogatories 2, 11, 14, 23; Document Requests 13, 19, 20, 21, 37) and declined to produce information or documents related to its workforce reduction (Interrogatories 3, 4, 5, 19, 22; Document Requests 12, 18, 22, 24, 25, 26, 28, 29, 40, 43) and employee equity compensation (Interrogatories 13, 14; Document Requests 47, 48, 49, 50, 51).
12. Defendant's responses to document requests are equally deficient. Defendant has made a partial production of the Plaintiff's personnel file and a training course on performance improvement plans but failed to identify which documents respond to which specific requests, making it impossible to determine if the production is complete or responsive to any particular request. Most concerning is the pattern of wholesale refusal to

provide discovery on the central issue in this case:

Mr. Musser's January 24, 2023 email directing a workforce reduction of approximately 2,000 employees (Request Nos. 12, 18, 24, 25).

13. Defendant has also raised improper objections based on unsubstantiated burden claims and displayed internal inconsistency by denying the existence of a workforce reduction program in its interrogatory responses while simultaneously refusing to produce documents related to the same program in document responses.

14. On April 11, 2025, Defendant responded to Plaintiff's Rule 30(b)(6) notice with a detailed letter raising various objections to the proposed topics. While Defendant indicated a willingness to provide a witness for some limited topics, several key areas relevant to Plaintiff's claims remain in dispute, including information about the workforce reduction program, the use of Performance Improvement Plans, and the treatment of unvested equity awards for terminated employees. Attached as Exhibit 6 is a copy of the April 11, 2025, letter.

15. Plaintiff has also encountered challenges in scheduling the deposition of Tracy Peveri, Plaintiff's former supervisor and a key witness. I, as Plaintiff's counsel

based in Hong Kong, am traveling to the United States from April 19 to May 8. I asked Attorney Lynch if he would accept service of deposition subpoenas on behalf of Expeditors, and he indicated that subpoenas were not needed as Expeditors would voluntarily produce its employees for depositions.

16. Although I was scheduled to be in the United States, I was not scheduled to be in Boston. However, after agreeing to a date and making arrangements to travel to Boston to take Ms. Peveri's deposition, Defendant cancelled it and subsequently refused to provide an available date during the time I was scheduled to be in the United States, instead opting to pick the day they knew I was leaving.

17. Adding to these challenges are Defendant's apparently inconsistent positions regarding relevant evidence. For example, Defendant served Requests for Admission concerning anonymous emails sent from a Proton account, yet raised relevance objections to Plaintiff's discovery requests regarding the same emails (Document Requests 45). Defendant previously addressed these emails in its Motion to Set a Status Conference, claiming that the individual who sent the email appears to have relevant and discoverable information in this

litigation. (Doc No. 34). A copy of Defendant's Requests for Admission is attached as Exhibit 7.

18. Plaintiff has diligently pursued discovery since the issuance of the Scheduling Order, promptly serving comprehensive written discovery requests and seeking depositions of key witnesses, including a Rule 30(b)(6) deposition of the corporate defendant. Any delay in completing discovery is certainly not attributable to Plaintiff's lack of diligence.
19. Given the significant issues with Defendant's discovery responses, Plaintiff requests a sixty-day extension of all discovery deadlines. This extension is necessary to conduct Rule 37.1 conferences, resolve disputes regarding the Rule 30(b)(6) deposition scope, complete key witness depositions, including that of Tracy Peveri, and allow for follow-up discovery as needed. However, Plaintiff anticipates that this extension may be insufficient should Defendant's unreasonable litigation conduct persist, necessitating further modifications. The requested extension is reasonable and will not significantly impact the overall case schedule, as there are still several months before expert discovery is scheduled to begin on October 6, 2025.

Signed under the pains and penalties of perjury this 24th
day of April 2025.

/s/ Adam Clermont
Adam Clermont